

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

Judge Robert W. Schroeder III

VIRNETX INC., et al	§	
	§	
V.	§	CIVIL NO. 6:12cv855
	§	
APPLE INC.	§	

MINUTES FOR SIXTH DAY OF TRIAL
HELD BEFORE JUDGE ROBERT W. SCHROEDER III
APRIL 9, 2018

OPEN: 8:53 am

ADJOURN: 5:56 pm

ATTORNEYS FOR PLAINTIFFS: See Attorney Sign In Sheet from April 2, 2018

ATTORNEYS FOR DEFENDANT: See Attorney Sign In Sheet from April 2, 2018

LAW CLERK: Aisha Haley

COURTROOM DEPUTY: Betty Schroeder

COURT REPORTER: Kelly Polvi

8:53 am	Outside the presence of the jury, Court advises the parties he will take up the filings regarding Dr. Jones testifying in the willfulness phase later; Mr. Appleby discusses an issue regarding Dr. Blaze's testimony; Mr. Caldwell responds; Court responds
9:00 am	Jury seated
9:02 am	Mr. Appleby continues with direct examination of Dr. Blaze
9:48 am	Courtroom sealed
9:54 am	Courtroom unsealed
10:10 am	Mr. Appleby moves that the four boards used be marked as demonstrative exhibits; no objections

10:11 am Mr. Caldwell begins cross examination of Dr. Blaze

10:36 am Jury out

10:37 am Court advises the parties he expects objections to jury instructions to be put on the record at the end of the day

10:37 am Recess

10:56 am Jury seated

10:57 am Mr. Caldwell continues with cross examination of Dr. Blaze

11:08 am Courtroom sealed

11:17 am Courtroom unsealed

11:32 am Bench conference

11:33 am Mr. Caldwell continues with cross examination

11:36 am Objection by Mr. Appleby; bench conference

11:45 am Mr. Caldwell continues with cross examination

12:00 pm Mr. Appleby begins re-direct examination of Dr. Blaze

12:07 pm Objection by Mr. Caldwell; Mr. Appleby responds; Court - overruled

12:12 pm Objection by Mr. Caldwell; Mr. Appleby responds; Court - overruled

12:18 pm Bench conference

12:19 pm Mr. Caldwell begins re-cross examination of Dr. Blaze

12:21 pm Objection by Mr. Appleby; bench conference

12:26 pm Mr. Caldwell continues with re-cross examination

12:29 pm Mr. Appleby continues with re-direct examination of Dr. Blaze

12:30 pm Recess

1:47 pm Jury seated

1:48 pm Mr. Caldwell offers demonstrative exhibits into the record; no objections

1:49 pm Ms. Schmidt calls Dr. Deborah Jay; witness sworn in

1:49 pm Ms. Schmidt begins direct examination of Dr. Jay

1:54 pm Ms. Schmidt offers Dr. Jay as an expert in the field of consumer survey research and analysis; no objections

2:17 pm Mr. Ward begins cross examination of Dr. Jay

2:30 pm Ms. Schmidt begins re-direct examination of Dr. Jay

2:40 pm Mr. Ward begins re-cross examination of Dr. Jay

2:43 pm Mr. Desmarais calls Russell Binns; witness sworn in

2:44 pm Mr. Desmarais begins direct examination of Mr. Binns

3:07 pm Mr. Desmarais labels the demonstrative exhibit; no objection

3:08 pm Mr. Cassady begins cross examination of Mr. Binns

3:18 pm Mr. Desmarais begins re-direct examination

3:22 pm Recess

3:38 pm Jury seated

3:39 pm Ms. Heffernan calls Chris Bakewell; witness sworn in

3:39 pm Ms. Heffernan begins direct examination of Mr. Bakewell

3:48 pm Ms. Heffernan offers Mr. Bakewell as an expert in intellectual property valuation and patent damages

4:04 pm Objection by Mr. Ward; Ms. Heffernan responds; Court - overruled

4:15 pm Ms. Heffernan moves into evidence exhibits DTX 9-19 and 28; no objection

4:17 pm Ms. Heffernan moves into evidence exhibits DTX 26, 172 and 198; no objection

4:18 pm Bench conference

4:21 pm Ms. Heffernan continues with direct examination of Mr. Bakewell

4:23 pm Ms. Heffernan moves into evidence exhibit DTX 201; no objection

4:37 pm Ms. Heffernan labels the demonstrative exhibit; no objection

4:38 pm Mr. Ward offers exhibit PX 1201 into evidence; no objection

4:38 pm Mr. Ward begins cross examination of Mr. Bakewell

4:41 pm Bench conference

4:42 pm Mr. Ward continues with cross examination

4:43 pm Objection by Ms. Heffernan; Mr. Ward will rephrase the question

4:43 pm Objection by Ms. Heffernan; Court - overruled

4:50 pm Objection by Ms. Heffernan; bench conference

4:51 pm Mr. Ward continues with cross examination

4:59 pm Courtroom sealed

5:02 pm Courtroom unsealed; bench conference

5:03 pm Jury out

5:03 pm Outside the presence of the jury, Mr. Arovas argues the issue of a curative instruction; Mr. Caldwell responds; Court will take this under advisement; Court and parties discuss tomorrow's schedule; Mr. Caldwell requests an additional 10 minutes; Mr. Arovas responds; Court denies additional time

5:11 pm Mr. Summers and Mr. Mizzo inform the Court regarding the hypothetical negotiation date agreed upon (replaces first full paragraph on page 13); Mr. Summers and Mr. Mizzo discuss substantive points and objections to jury instructions; Court responds; Mr. Mizzo objects to the current verdict form; Mr. Summers responds; Court responds

5:56 pm Recess